

ORDINANCE NO. 2022- 3

**AN ORDINANCE OF THE TOWNSHIP OF
OCEAN, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING CHAPTER 361 OF
THE TOWNSHIP CODE ENTITLED
"TOWING BUSINESSES"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township
Committee of the Township of Ocean, County of Ocean and State of New Jersey
as follows:

SECTION 1. Chapter 361 of the Township Code entitled "Towing
Businesses" is hereby amended and supplemented as follows:

§ 361-1. Rotating list of towing contractors established.

- A. The Chief of Police or his designee shall establish a list of persons or firms which shall be utilized by the Police Department of the Township of Ocean to provide towing and wrecking services for abandoned or wrecked vehicles. The list shall be comprised of a maximum of (5) five operators.
- B. The Chief of Police or his designee shall also establish and maintain a waiting list for operators in the event the number of authorized operators exceeds (5) five or if there needs to a be person or firm to replace one of the five operators.
- C. The placement on the towing and waiting list will be based upon meeting all the requirements outlined within this ordinance along with being based on the date of the filing of the application by the person or firm wanting to be used by the Township of Ocean for towing and wrecking services.
- D. Nothing in these rules and regulations shall be construed to prevent any owner or operator from selecting his own towing service unless it is determined by a member of the Ocean Township Police Department that the vehicle(s) to be towed are causing a traffic safety hazard and must be towed immediately.
- E. The Chief of Police or his designee shall maintain a list of licenses under this chapter in such order as the Chief

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of Police or his designee shall deem appropriate so as to ensure that no licensee shall be excluded or in any way discriminated against. Such list shall contain the name, address, and twenty-four-hour telephone number of each licensee. The Chief of Police or his designee shall direct members of the Ocean Township Police Department that the requests of any towing services of licenses under this chapter shall be in the sequence that they appear on the list. Such list shall rotate on a per incident basis. In addition, the Chief of Police or his designee shall keep a record of requests made for the service of licensees under this chapter as well as a record of the response time of each licensee and shall record any and all complaints received from the member of the public as to the quality of service or fees exacted by each licensee.

§ 361-2. License required.

No person or firm shall operate a towing business within the Township of Ocean without having first obtained a license authorizing the operation of such business under the provisions of this chapter.

§ 361-3. Application; Fee; Investigation

Application for the issuance of licensing for the purpose of this chapter shall be made by the person or firm engaged in the towing or wrecking operation. This application shall be made on forms furnished by the Township Clerk with an application fee made payable to the Township of Ocean in the amount of \$500.00 and submitted biennially. The application shall be submitted and returned with the fee to the Township of Ocean no later than July 1st of the calendar year. The application shall contain the following information:

- a. The full name and address of the applicant. If the application is made for a partnership or corporation, it shall state the names and address of all partners, officers and directors of the corporation or partnership along with the registered agent and registered office address.
- b. The year, make, model and registration number of each towing vehicle, flatbed or other vehicle to be used by the applicant in connection with the towing business.
- c. The address where any such towing vehicle, flatbed or other vehicle shall be garaged.

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- d. The address and description of the storage facility to be used by the applicant for the storage of towed vehicles.
 - i. Each applicant providing towing services shall show proof of ownership or a lease agreement for a proper outside storage area that is secured and can store a minimum of 15 towed motor vehicles. Each storage area shall be approved for security and safety by the Ocean Township Police Department.
 - ii. Each applicant providing towing services shall have an enclosed garage so as to provide inside storage for at least (1) one towed vehicle.
- e. Name, address, and drivers license number of the applicant and any employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment in accordance with this section.
- f. A certification by the applicant and each of the applicant's employees that are expected to participate in the applicant's activities as approved by this section that each individual has not been convicted of a crime or disorderly persons offense involving moral turpitude within a period of (5) five years preceding the date of the application.
- g. Certification of approved emergency warning lights.

B. The application shall be filed with the Township of Ocean Clerk's Office and processed as followed:

- a. The Chief of Police or his designee shall investigate, and recommend to the Township Committee, whether an application complies with the requirements of this Chapter.
- b. Upon clarification of either approval or denial of the application by the Township Committee, the Township Clerk shall, within (5) five days, notify the applicant by registered or certified mail of the

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approval or denial of his application and, in the event of approval, shall issue the license.

- c. The license shall contain the name and address of the licensee, number of the license, fee paid, date of issuance and expiration date along with the signature of the Township Clerk and the seal of the Township.
 - d. The license shall state whether or not the licensee is authorized to provide emergency towing services for an impounded vehicle.
 - e. Upon issuance, a sticker will be issued from the Ocean Township Police Department, which shall be displayed on each authorized towing vehicle, readily identifying the vehicle as a township authorized vehicle for the purpose of towing/wrecking services.
- C. The applicant shall be given a copy of this section and shall certify that he or she has read and understood the section.
- D. The license shall be issued for two years, to expire on December 31st. No license will be prorated.
- E. Renewal of the license is the sole responsibility of the licensee.

§ 361-4. Insurance; Indemnification.

- A. In addition to meeting all other criteria of this chapter and in order to be eligible for placement upon the rotating list of authorized towers, the contractor shall supply a certificate of liability insurance by a company licensed to do business in the State of New Jersey, certifying that the contractor maintains workers' compensation and general liability insurance of not less than \$1,000,000 combined single limit, garage keepers liability of not less than \$100,000 per vehicle, said garage keepers legal liability insurance policy to further provide for fire, theft and explosion.
- B. All public liability insurance, including garage liability and garage keepers legal liability coverage, shall name the Township of Ocean, its officers, agents and employees as additional insureds on the policy, shall hold them harmless, indemnify them from any and all claims filed against the Township arising out of any act

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or failure to act on behalf of the contractor and shall contain an endorsement providing 30 days' notice to the Township in the event of any material changes of the policy or cancellation thereof.

§ 361-5. License requirements.

- A. Each applicant shall be required to provide for basic towing services on a twenty-four-hour basis, seven days per week, for each day of the year.
- B. Each applicant shall have the ability to provide for basic towing services and shall not exceed 20 minutes response time during normal business hours and 30 minutes after hours and weekends after a call from the Township representative.
- C. Each applicant shall have an office or place of business located within 10 miles of the Township of Ocean Municipal Complex (50 Railroad Ave. Waretown, NJ 08758).
- D. Courtesy Towing for Township owned vehicles:
 - a. During the term of the license, applicants shall provide towing services to the Township, free of charge for any and all Township-owned vehicles in need of such services within the Township of within a 15-mile radius of same.
 - i. Agreement to provide courtesy towing services shall be a condition of the applicant's licensure throughout its term with the Township.
- E. Vehicles towed to the Ocean Township impound facility or the Ocean County Sheriff's Department Criminal Investigation Unit impound facility in Toms River, NJ for investigative purposes and/or pending seizure actions will be towed at a flat rate of \$75.00
- F. No storage or administrative fees apply to recovered stolen vehicles.
- G. The license shall be renewed biannually; the renewal application shall be submitted no later than July 1st of the calendar year of the expired license.
- H. Renewal of the license is the sole responsibility of the licensee.

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§ 361-6. Maximum rated and charges for passenger vehicles, motorcycles, all-terrain vehicles and mopeds.

- A. Maximum basic towing and storage charges.
 - a. Days: first mile or less, \$125; each additional mile, \$5, based upon a one-way charge.
 - b. Nights, weekends and New Jersey state holidays; first mile or less, \$135; each additional mile, \$5, based upon a one-way charge.
 - i. The hours of 8:00 a.m. until 4:30 p.m. shall apply to the day rate on Monday through Friday, except New Jersey state holidays. The night, weekend and holiday rate shall otherwise apply.
- B. Maximum storage fee charges.
 - a. Secured (outside): 10 to 20 spaces: \$35 per day
 - b. Secured (inside): 10 to 20 spaces: \$45 per day
- C. The storage period shall start at 12:01 a.m. on the day following the first full day the vehicle is placed into storage and ends at 12:00 midnight each day. Vehicles released on the same day that the vehicle is placed into storage will be assessed a pro rata fee of \$1 per hour for the partial day. If a vehicle is towed or transported from the storage area by the towing contractor at the request of the owner or authorized representative, a fee not exceeding \$3 per mile may be charged.
- D. Recovery services. Where it is necessary that certain recovery services be performed in order to preserve the condition of a motor vehicle while moving the vehicle to a towable position, the rate for such services shall be \$150 per hour or any portion thereof.
- E. The contractor shall prominently display this fee schedule at the towing/storage facility.
- F. The aforesaid fees may change from time to time by resolution to be consistent with the provisions of N.J.A.C. 11:3-38.6 or the relevant New Jersey Administrative Code statutory provisions and regulations.

§ 361-7. Maximum rated and charges for trucks and other vehicles with a gross weight of one and one-half tons or more.

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A. Maximum basic towing and storage charges.

- a. Days: first mile or less, \$175; each additional mile, \$5, based upon a one-way charge.
- b. Nights, weekends and New Jersey state holidays; first mile or less, \$185; each additional mile, \$5, based upon a one-way charge.
 - i. The hours of 8:00 a.m. until 4:30 p.m. shall apply to the day rate on Monday through Friday, except New Jersey state holidays. The night, weekend and holiday rate shall otherwise apply.

B. Maximum storage fee charges.

- a. Secured (outside): 10 to 20 spaces: \$50 per day
- b. Secured (inside): 10 to 20 spaces: \$50 per day

C. The storage period shall start at 12:01 a.m. on the day following the first full day the vehicle is placed into storage and ends at 12:00 midnight each day. Vehicles released on the same day that the vehicle is placed into storage will be assessed a pro rata fee of \$1 per hour for the partial day. If a vehicle is towed or transported from the storage area by the towing contractor at the request of the owner or authorized representative, a fee not exceeding \$3 per mile may be charged.

D. Recovery services. Where it is necessary that certain recovery services be performed in order to preserve the condition of a motor vehicle while moving the vehicle to a towable position, the rate for such services shall be \$200 per hour or any portion thereof.

E. The contractor shall prominently display this fee schedule at the towing/storage facility.

F. The aforesaid fees may change from time to time by resolution to be consistent with the provisions of N.J.A.C. 11:3-38.6 or the relevant New Jersey Administrative Code statutory provisions and regulations.

G. The towing rates set forth in Subsection A above are not intended to apply to vehicles with a gross vehicle weight over 15,000 pounds, such as tractor trailers, cement trucks and trash trucks, which require the use of a special towing vehicle. Contractors may charge market rates for

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towing such vehicles which exceed this weight of 15,000 pounds.

§ 361-8. Prompt response and debris pickup required; cruising to solicit business prohibited.

Each licensee shall provide a prompt response to each call for towing services. In the case of any motor vehicle accident, shall be responsible for removing any debris at the site resulting from the accident, except that a licensee shall not be required to remove any substance that has been classified as hazardous or toxic by any law. No licensee shall cruise with a towing vehicle for the purpose of soliciting towing business within the Township of Ocean.

§ 361-9. Required equipment.

- A. All contractors on the rotating list shall provide and maintain the following minimum equipment:
 - a. A minimum of two tow/wreckers, one of which shall be sufficient to tow vehicles over two tons.
- B. Tow vehicles shall have the name, address and telephone number of the contractor painted or permanently attached to both sides of the vehicle in compliance with state law.
- C. All equipment must meet applicable state standards and shall be subject to periodic inspection by the Township.

§ 361-10. Miscellaneous provisions.

- A. The Township of Ocean shall assess an administrative fee of \$25 per vehicle to recover costs of administering the towing and storage services for all vehicles coming under the purview of police impound. Such assessment shall be placed on each vehicle processed plus an additional fee to include storage rates consistent with this chapter.
- B. Under no circumstances shall the rates and fees charged by the contractor exceed the amounts prescribed in Sections 6 and 7 (whichever applicable) of this chapter.
- C. The contractor shall charge the motor vehicle owner/operator or insurance company directly for all services provided.
- D. The contractor may charge an hourly rate for standby time incurred for winching, uprighting, excessive

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cleanup, waiting at the towing scene, and other circumstances which fall outside the scope of services classified as normal in Sections 6 and 7 (whichever applicable) of this chapter at the prevailing/ established rate, which rate shall not exceed \$60 per hour. The contractor must verify all standby charges for waiting at the scene by direct contact with the Police Communications Center. The police shall, if appropriate, provide subsequent verification documentation. No standby charge for waiting at the scene shall be charged without such verification.

§ 361-11. Revocation of license; Appeal.

- A. Should the Chief of Police or his designee determine that any licensee shall have violated any provision of this chapter, the Chief of Police or his designee shall give the licensee notice by certified mail of the noncompliance by the licensee. The Chief of Police or his designee may remove the tower from any list of authorized towers if the finds noncompliance with any provision of this chapter.
- B. Should the licensee desire a hearing on such a determination, the licensee shall, within 10 days of the mailing of such notice by the Chief of Police or his designee, advise the Township Committee of the licensee's desire for such a hearing. Upon receipt of such request, the Township Committee shall, not less than 10 days prior to the date of such hearing, notify the licensee of the date, time and place of such hearing. Following such a hearing, the Township Committee may revoke or suspend the license issued under this chapter upon a determination that the licensee has violated any provision of this chapter or any applicable state or federal law.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Ocean on the 15th day of February, 2022, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 15th day of March, 2022, at 6:00 AM/PM at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

DIANE B. AMBROSIO, RMC, Clerk
Township of Ocean

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